

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-31 previously presented for examination remain in the application. No claims have been amended and no new claims have been added.

Claims 1, 14 and 29 stand rejected under 35 U.S.C. § 102(e) as being considered to be anticipated by U.S. Patent 6,131,166 to Wong-Insley ("Wong-Insley").

Claim 1 includes the limitations

monitoring utilization of a platform device by one or more virtual machines; and
managing power consumption of the platform device based on the monitoring.

(Claim 1)(emphasis added)

Applicants respectfully submit that Wong-Insley fails to teach at least the claimed feature of monitoring utilization of a platform device by one or more virtual machines as set forth in claim 1 as argued previously.

It is asserted in the Office Action that Wong-Insley discloses monitoring device utilization by a virtual machine at col. 3, lines 1-14, lines 35-45 and lines 60-63; col. 4 lines 5-9 and col. 23 lines 45-55. Applicants respectfully submit that this is not a proper characterization of the disclosure of Wong-Insley.

In particular, these sections refer generally to the Java Platform as including the Java Virtual Machine the Java APIs (col. 3, lines 1-14) and to programming interfaces that enable collection of power state information and management of power states. For one aspect of Wong-Insley, the system-level programming interface permits Java applications to obtain a current system

power state and, with the proper privilege, to influence the current system power state. The power management framework defines a plurality of standardized, system-independent power states which may represent the current power status of an entire computer system. The system-level programming interface includes methods for: getting a system power state, adding a system state change event listener, removing a system state change event listener, setting a system power state, and getting a system power monitor object (col. 3, lines 32-47).

In one embodiment, the device-level programming interface permits Java applications to obtain a current device power state and, with the proper privilege, to influence the current device power state. (col. 3, lines 60-63).

For one aspect, Wong-Insley comprises a plurality of Java classes and a plurality of Java interfaces. System-level, notification, and exception objects can be instantiated from the classes when a system-specific power manager application implements the system-level and/or exception interfaces, when power-aware Java applications implement the notification interfaces. (col. 4, lines 1-9).

In contrast, claim 1 sets forth an action of monitoring *utilization of a device by a virtual machine*.

While Wong-Insley describes interfaces for receiving system state change events, getting a new or previous power state, determining if a power state can be opposed, determining system battery capacity, determining a system power source, etc (col.3, lines 42-57), Wong-Insley does not teach or suggest monitoring utilization of a device by a virtual machine.

For at least this reason, claim 1 cannot be considered to be anticipated by Wong-Insley.

Independent claims 14, 17 and 29 include a similar limitation to that argued above in reference to claim 1. Claims 2-13, claims 15-16, claims 18-28 and claims 30-31 depend from and further limit claims 1, 14, 17 and 29, respectively.

Thus, claims 2-31 should also be found to be patentably distinguished over Wong-Insley for at least the same reasons.

Claims 2-13, claims 15-28 and claims 30-31 stand rejected under 35 U.S.C. § 103(a) as being considered unpatentable over Wong-Insley in view of U.S. Patent No. 5,752,046 to Oprescu et al. ("Oprescu").

Claims 1-31 are patentably distinguished over Wong-Insley for the reasons discussed above in reference to claim 1.

As previously argued, the combination of Oprescu with Wong-Insley does not remedy this deficiency.

Oprescu discloses a power management system for a computer device interconnection bus. According to Oprescu, the power management system tracks the total amount of power drawn from a bus by devices connected to the bus itself, based on the individual operational status of each device. (see e.g. Oprescu, Abstract).

Oprescu does not teach or suggest monitoring device utilization with a virtual machine.

Therefore, a combination of Oprescu with Wong-Insley also would fail to teach or suggest the claimed features of Applicants' invention.

For at least this reason, claims 1-31 are patentably distinguished over Wong-Insley alone or in combination with Oprescu.

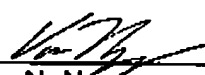
Based on the foregoing, applicants respectfully submit that the applicable objections and rejections have been overcome, and claims 1-31 are in condition for allowance. If the Examiner disagrees or believes that further discussion will expedite prosecution of this case, the Examiner is invited to telephone applicants' representative Cynthia Thomas Faatz at (408) 765-2057.

If there are any charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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